



**93RD GENERAL ASSEMBLY**  
**State of Illinois**  
**2003 and 2004**  
**HB4063**

Introduced 1/14/2004, by John A. Fritchey

**SYNOPSIS AS INTRODUCED:**

720 ILCS 5/3-5

from Ch. 38, par. 3-5

Amends the Criminal Code of 1961 relating to the unlimited statute of limitations for an offense involving sexual conduct or sexual penetration in which the DNA profile of the offender is obtained and entered into a DNA database within 10 years after the commission of the offense and the identity of the offender is unknown after a diligent investigation by law enforcement authorities. Eliminates the requirement that the victim must report the offense to law enforcement authorities within 2 years after the commission of the offense if the victim is murdered by the offender during the course of the offense. Effective immediately.

LRB093 15199 RLC 40795 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

**A BILL FOR**

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 1961 is amended by changing  
5 Section 3-5 as follows:

6 (720 ILCS 5/3-5) (from Ch. 38, par. 3-5)

7 Sec. 3-5. General Limitations.

8 (a) A prosecution for: (1) first degree murder, attempt to  
9 commit first degree murder, second degree murder, involuntary  
10 manslaughter, reckless homicide, concealment of homicidal  
11 death, treason, arson, aggravated arson, forgery, or (2) any  
12 offense involving sexual conduct or sexual penetration as  
13 defined by Section 12-12 of this Code in which the DNA profile  
14 of the offender is obtained and entered into a DNA database  
15 within 10 years after the commission of the offense and the  
16 identity of the offender is unknown after a diligent  
17 investigation by law enforcement authorities, may be commenced  
18 at any time. Clause (2) of this subsection (a) applies ~~only~~ if  
19 either: (i) the victim reported the offense to law enforcement  
20 authorities within 2 years after the commission of the offense  
21 unless a longer period for reporting the offense to law  
22 enforcement authorities is provided in Section 3-6 or (ii) the  
23 victim is murdered by the offender during the course of the  
24 offense.

25 (b) Unless the statute describing the offense provides  
26 otherwise, or the period of limitation is extended by Section  
27 3-6, a prosecution for any offense not designated in Subsection  
28 (a) must be commenced within 3 years after the commission of  
29 the offense if it is a felony, or within one year and 6 months  
30 after its commission if it is a misdemeanor.

31 (Source: P.A. 91-801, eff. 6-13-00; 92-752, eff. 8-2-02.)

32 Section 99. Effective date. This Act takes effect upon

1 becoming law.